

City Council Special and Regular Meetings, June 25, 2002

Twin Pines Senior and Community Center, 1223 Ralston Avenue

SPECIAL MEETING: 7:05 P.M.

STUDY SESSION - Game Room

Get acquainted session with Public Works Director Ray Davis.

Public Works Director Davis gave Council an overview of the projects and programs he hoped to accomplish over the next year. He stated that he would be working on internal and external accountability and communications throughout the Department. Public Works Director Davis stated he was excited by the challenges and he was confident that his department would be the best run Public Works Department on the Peninsula very soon.

Councilmembers Metropulos, Cook, Bauer, Wright and Warden attended this Study Session. City Manager Kersnar, City Attorney Savaree, Public Works Director Davis, Assistant City Manager Rich and Recording Secretary Kern.

ADJOURNMENT at this time, being 7:30 P.M., this Study Session was adjourned

This meeting was not tape-recorded.

Machine malfunction

David Bauer

Clerk Pro Tem

REGULAR MEETING - 7:40 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Metropulos, Cook, Bauer, Wright, Warden

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Kersnar, Assistant City Manager Rich, City Attorney Savaree, Community Development Director Ewing, Public Works Director Davis, Finance Director Fil, Police Chief Janke, IT Manager Harnish,

Parks and Recreation Director Mittelstadt, Human Resources Director Dolan, Assistant Finance Director Park, Recording Secretary Kern.

PUBLIC COMMENTS AND ANNOUNCEMENTS (10 Minutes)

Mrs. Kartman, 508 Mt. View Avenue, Sterling Downs Neighborhood Association, presented Council with photos of businesses along Old County Road that the neighborhood association thought were in violation of the nuisance ordinance and need to be cleaned up.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

C.Wright announced that his daughter's softball team qualified for the National Championships and would be going to Tulsa, Oklahoma for the tournament.

Mayor Warden announced that there would be an orientation for people interested in running for City Clerk on July 9th at 5:30 P.M. in room 101, City Hall.

Mayor Warden announced that the first meeting in July had been cancelled and the next Regular Meeting would be on July 23rd.

AGENDA AMENDMENTS

Mayor Warden requested that Consent Calendar item 4-R (Fire Station #14) be pulled and discussed separately.

City Attorney Savaree explained that the San Mateo County Counsel had requested that the County National Pollutant Discharge Elimination System (NPDES) Resolution on the agenda is broken into two Resolutions, and an Indemnity Agreement be added to the agenda for adoption. She explained that Council needed to vote to add this agreement to the agenda by a 4/5's vote.

Action: On motion by C. Wright, seconded by C. Metropulos and approved unanimously, by show of hands, to add the indemnity agreement to the agenda for action at this meeting.

CONSENT CALENDAR

Approval of meeting minutes: Special and Regular Meetings of May 28, 2002.

Approval of Warrant List Dated: June 7, 2002 in total amount of \$1,463,145.97 and dated June 14, 2002 in total amount of \$197,720.34.

Written Communication (None)

Motion to approve Claims Management Report.

Motion to waive reading of Ordinances.

Motion accepting donation of electric car from Ford Motor Company.

Motion accepting \$1,000 donation and redirecting it to the Safe Schools Program, proceeds from the Greek Festival held at the Greek Orthodox Church on Alameda de las Pulgas.

Resolution No. 9255 accepting a Grant from the Office of Community Oriented Policing (COPS). (School Resource Officer).

Resolution No. 9256 accepting Work, Approving Contract Change Orders Number 5, 6, and 7 Authorization to Issue Notice of Substantial Completion for the North Road Pump Station and Force Main Rehabilitation Project, Casey Construction, City Contract Number 404.

Resolution 9257 accepting Work, Approving Contract Change Orders Number 1, 2, 3, 4, 5, and 6, and Authorization to Issue Notice of Substantial Completion for the Lassen Drive Retaining Wall Project, Casey Construction, City Contract Number 411.

Resolution No. 9258 accepting Work, Approving Contract Change Orders Number 1 and 2, and Authorization to Issue Notice of Substantial Completion for Sanitary Sewer Basins 4, 5, and 6 Inspection and Cleaning Project, J.F. Pacific Liners, Inc. City Contract Number 412.

Resolution No. 9259 approving the Award of Contract to Redgwick Construction Company for the Amount of \$147,651 for Waltermire Street/5th Avenue Improvement Project, City Contract Number 417.

Resolution No. 9260 approving the Award of Contract to Redgwick Construction Company for the Amount of \$218,667 for Gordon Avenue/Hill Street Improvement Project, City Contract Number 422.

Resolution No. 9261 approving a Permanent Encroachment Agreement for Replacing the Retaining Wall within the Public Right-of-Way at 1633 Notre Dame Avenue. APN No. 044-342-040. (M/M Jovet).

Introduction of an Ordinance amending Chapter 28, of the Belmont City Code re: Handbills.

(2nd reading and adoption on July 23rd).

Resolution No. 9262 approving Memorandum of Understanding with AT&T Broadband.

Resolution No. 9263 approving the Proposed Change of Control of AT&T Broadband to AT&T Comcast Inc.

Consent Calendar approved as amended on motion by C. Wright, seconded by C. Metropulos, and approved unanimously, by show of hands.

RESOLUTION CONSIDERED OFF CONSENT CALENDAR

Resolution adopting Initial Report and Set Public Hearing for Vacating a portion of the rights-of-way for Ralston Avenue at 911 Granada Street, for the Fire Station No. 14 Project. (Supercedes Resolution No. 9250)

City Manager Kersnar explained that this additional action on Ralston was necessary to move the lot line to match the existing sidewalk. It would not require additional land.

Action: on motion by C. Cook, seconded by C. Wright and approved unanimously, by show of hands to adopt:

Resolution No. 9264 adopting Initial Report and Set Public Hearing for Vacating a portion of the rights-of-way for Ralston Avenue at 911 Granada Street, for the Fire Station No. 14 Project. (Supercedes Resolution No. 9250)

PUBLIC/HEARINGS

Reconvene Continued Public Hearings for the Belmont Fire Protection District; Redevelopment Agency and City of Belmont to consider proposed budgets for Fiscal Year 2002-03, including establishment of Appropriations Limits, and to consider a Resolution approving the report of proposed Sewer/Storm Drain Rates to be collected by the County of San Mateo on the property tax roll, to consider a Resolution approving the Master Fee Schedule, and to

consider a Motion to approve/deny revisions to Financial Policies.

Finance Director Fil outlined the process for reconvening the budget hearings and adoption of the Resolutions. He noted that the Financial Policies included language to bring the budget in line with the new performance budgeting process. He said the Gann Limits were well within the State guidelines. The Master Fee schedule had been adjusted, based on the Consumer Price Index, and the hourly rates were adjusted, based on a calculation of the units of time devoted to a particular fee. Finance Director Fil stated that the Preliminary Design Review fee would be reduced to \$1080 from \$1800, and a credit would be applied to a project, if a submitted formal application captured work already completed. He reported that the overhead allocation of 30% had been examined and was deemed appropriate. Finance Director Fil reported that the staff planned a review of the Parks and Recreation fees later in the year. The sewer rates were on target for our five-year plan, which would meet the project capital requirements and operation and maintenance.

Finance Director Fil explained that one of the Financial Policies indicated that the City will charge itself fees, and suggested that the Community Group Funding policy be considered on an annual basis to adjust the funding limit.

Finance Director Fil stated that the Finance Commission had reviewed this plan and recommended adoption.

In response to C. Warden, Finance Director Fil stated that the Finance Commission agreed this was a logical plan for 2002/03. He said they concurred that mid-year corrective action would be necessary. He said they were very interested in the process to bring the budget back into structural balance at the mid-year review. Finance Director Fil stated that staff would return with a menu of options to facilitate these reductions at that time.

Mayor Warden reopened the continued public hearing.

Mr. Campbell, 2355 34th Avenue, San Francisco, expressed concern about Development Fees and distributed a Building Permit Application flow chart (on file in the Clerk's office) and asked if the staff could do a time study analysis of the last five reports that were done in-house to determine if the time and charges were correct. Mr. Campbell requested that a credit be given to all applicants who had undergone preliminary design review recently.

City Manager Kersnar explained that studies as suggested by the speaker, had been done, and the yearlong analysis indicated that we were subsidizing some projects.

In response to C. Cook, City Manager Kersnar explained that the law stated that the City could only charge actual costs for services. He said the analysis indicated that we were not collecting any more from development services applicants, than the services provided. City Manager Kersnar stated that Council policy indicated that costs would be covered for development review and that is what the fee structure was intended to do, including the overhead component for outside contracts.

Community Development Director Ewing stated that he did not think Belmont's fees were out of line with what other cities charged for their services. He said there may be an opportunity to provide a cost reduction, by reducing the multiple permit fees required for a project, which may reduce paperwork, staff time and help lower costs. He noted that this discussion would be coming to the Council at a later date.

Community Development Director Ewing provided an explanation of the cost overlay associated with a fee for design review. He stated that the financial credit for design review projects was a policy decision. He noted that when the preliminary design review process was discussed, Council had decided that any project that had already been filed could access the preliminary design review process. He indicated that Mr. Campbell would like to have credit applied, if he were to ask for a preliminary design review now. He said there was some information overlap, so this would not be a problem.

In response to C. Wright, Community Development Director Ewing stated that the City had the capability to track this process electronically. He said this process could be handled on a case by case basis.

City Manager Kersnar requested that Council make a motion to provide staff with direction to credit applicants for design review projects.

C. Wright suggested that staff return with a report and specific recommendation regarding preliminary design review financial credit. He said he was not comfortable with a case to case process.

City Manager Kersnar suggested that the Council adopt the Master Fee schedule, and at the July meeting, staff would present language with this limited policy modification and an analysis of what projects were currently in process.

On motion by C. Cook, seconded by C. Wright, and approved unanimously, to close the public hearings for Belmont Fire Protection District, The Redevelopment Agency, The City, Sewer Charges and Master Fee Schedule.

C. Wright commented that this was not the first time the Council had reviewed this budget. He explained that the individual council members had had multiple meetings with the staff to review and ask questions on the various aspects of this budget.

On motion by C. Wright, seconded by C. Bauer to approve all the Budget Resolutions.

Action: C. Wright amended his motion to include all the Resolutions related to the budget except the Master Fee Schedule which would be considered separately. This amended motion was seconded by C. Warden and approved unanimously, by show of hands, to adopt:

Belmont Fire Protection District Resolution No. 2002-1 adopting the Proposed FY 2003 Revenue and Appropriations Budgets for the Belmont Fire Protection District.

Belmont Fire Protection District Resolution No. 2002-2 approving the Article XIIB Appropriations Limit for the Fiscal Year 2003

Redevelopment Agency Resolution No. R.A. 400 adopting the Proposed FY 2003 Revenue, Appropriations and Capital Improvement Program Budgets for the Belmont Redevelopment Agency.

Resolution No. 9264 adopting the Proposed FY 2003 Revenue, Appropriations and Capital Improvement Program Budgets for the City of Belmont.

Resolution No. 9265 approving the Article XIIB Appropriations Limit for the Fiscal Year 2003.

Resolution No. 9266 setting Sewer/Storm Drain Rates to be collected by the County of San Mateo on the Property Tax Roll - FY2003.

Resolution No. 9267 adopting Financial Policies.

RESOLUTION APPROVING FY 2003 MASTER FEE SCHEDULE

C. Bauer asked how the alarm fee was calculated.

Finance Director Fil stated that there was a fair amount of activity for false alarms and this fee did not include cost recovery.

City Manager Kersnar suggested that Council adopt the Master Fee schedule and have staff report back on these alarm fees to determine if they were comparable to other cities in the area.

Council concurred to have a report from staff on this fee structure in the near future.

In response to C. Bauer, Finance Director Fil explained that the fee charged for tree removal was a per tree charge.

Action: On motion by C. Metropulos, seconded by C. Cook and approved unanimously, by show of hands to adopt:

Resolution No. 9268 adopting FY 2003 Master Fee Schedule.

Adjournment: at this time, being 8:25 P.M., on motion C. Bauer, seconded by C Wright and approved unanimously, by show of hands, the Belmont Fire Protection District and Redevelopment Agency Meetings were adjourned.

Public Hearing to consider a Resolution approving the proposed National Pollutant Discharge Elimination System (Stormwater) Charges and Election to have charges collected on the Tax Roll. (City Charge \$30.00 Residential/Misc)

City Manager Kersnar explained this city charge was for storm sewer cleanup and an education program for residents, which is imposed and collected every year on the tax roll. He explained that this funding was used to help clean up storm water in an attempt to clean the waterways.

Mayor Warden opened the public hearing.

On motion by C. Wright, seconded by C. Cook, and approved unanimously by show of hands to close the public hearing.

Action: on motion by C. Metropulos, seconded by C. Cook, and approved unanimously, by show of hands, to adopt:

Resolution No. 9269 approving FY 2003 National Pollutant Discharge Elimination System Charges and election to have charges collected on the tax roll. (30.00 City Charge).

Public Hearing to consider a Resolution approving the recommendation that the San Mateo County Flood Control District impose charges for funding the 2002-2003 Countywide National Pollutant Discharge Elimination System (NPDES) General Program.

City Attorney Savaree explained. that the County had requested an Indemnity Agreement be adopted along with two Resolutions calling out the basic fee and the additional fee. She explained that these charges fund a Countywide program. These additional actions were necessary because of a recent court case settled in another County regarding these fees.

Mayor Warden opened the public hearing.

On motion by C. Cook, seconded by C. Wright, and approved unanimously, by show of hands, to close the public hearing.

C. Bauer requested further explanation regarding these actions.

City Attorney Savaree explained that the Appellate Court had decided that a certain NPDES fee in Salinas had not been appropriately adopted, and the Court decided that the fee should have gone to the voters under Proposition 218. In response to that decision, the San Mateo County Counsel had decided to ask all the cities to sign the Indemnity Agreement, because the County administered this program for the cities. This would require all cities to indemnify the County in the event problems arose with the fee. City Attorney Savaree explained that the reason the Resolutions were split into two charges was because some of these charges were approved before Proposition 218 was adopted and would not be subject to a challenge. The second Resolution with the additional fees would provide the best record of charges to cities in the event of a challenge.

Action: On motion by C. Wright, seconded by C. Cook and approved unanimously, by show of hands to adopt:

Resolution No. 9270 authorizing an Agreement regarding Fees for Funding the National Pollutant Discharge Elimination System Program for the County of San Mateo. (Indemnity Agreement)

Action: On motion by C. Cook, seconded by C. Metropulos and approved unanimously, by show of hands to adopt:

Resolution No. 9271 recommending that the San Mateo County Flood Control District impose charges for Funding the 2002/03 Countywide National Pollutant Discharge Elimination System (NPDES) General Program. (Basic Fee)

Action: On motion by C. Wright, seconded by C. Cook and approved unanimously, by show of hands to adopt:

Resolution No. 9272 recommending that the San Mateo County Flood Control District Impose Additional Charges for Funding the Expanded Scope of Work for the 2002-03 Countywide National Pollutant Discharge Elimination System (NPDES) General Program.

Public Hearing to consider a Vesting Tentative Subdivision Map to construct 52 townhouses on a five-acre site currently occupied by the Peninsula Jewish Community Center (JCC) at 2440 Carlmont Drive. On-site parking would be provided for 130 vehicles for the units. The project would include 2.6 acres of landscape area, which includes hillside and riparian area to the north and west of the units. (Appl. No. 01- 0358), APN: 045-031-010; Zoned: Planned Development (PD), CEQA Status - Adopted Mitigated Negative Declaration, Summerhill Homes (Applicant), Peninsula Jewish Community Center (Owner).

Principal Planner DeMelo presented the staff report and explained that this had been approved by the Planning Commission 7/0 He noted that the retaining walls and landscape plans would be returning to the Commission for further review and approval.

Mayor Warden opened the public hearing.

Ms. Breeze, Summerhill Homes, requested that Council approve this Tentative Map and stated they were prepared to meet all approvals.

Mr. Keech, Principal BKF Engineering, stated that there would be 230 truckloads of dirt excavated, or hauled to the site.

In response to C. Bauer, Ms. Breeze said they would return in 12 months for Final Map approval once they had completed all the requirements.

On motion by C.Bauer, seconded by C. Cook and approved unanimously by show of hands to close the public hearing.

Action: on motion by C. Wright, seconded by C. Bauer and approved unanimously, by show of hands to adopt:

Resolution No. 9273 approving a Vesting Tentative Map for Construction of a 52-Unit Residential Development for Summerhill Homes at 2440 Carlmont Drive (APN 045-031-010) (Appl. No. 01-0358).

OLD BUSINESS

2002 Citizen Opinion Survey Results.

Assistant City Manager Rich reviewed the citizen survey results and reported that the results indicate that 91% of residents rated Belmont above average as a place to live. Assistant City Manager Rich explained that he would be sending the 67 pages of comments to Council in the near future. He said this survey would be conducted again in two years.

Action: on motion by C. Cook, seconded by C. Wright, and approved unanimously, by show of hands to accept Report.

Recess at this time being 9:05 P.M.

Resume meeting at this time being 9:15 P.M.

Update of Fire Station 14.

City Manager Kersnar reported that the plans and specifications for the fire station had been approved by the South County Fire Authority on Monday, and would be distributed to contractors immediately. The bid opening was scheduled for August 6, 2002 and award of the bid by the South County Fire Authority was scheduled for August 19, 2002. He reported that the date for ground breaking had not been determined.

Discussion and direction regarding Art Commission Vacancies.

City Manager Kersnar reported there were two vacancies on this Commission and requested direction on whether to fill the positions now, or wait until the regular cycle in January, 2003.

Council concurred to have the Clerk's office advertise without spending funding for a display ad. The reader board, letters to neighborhood

associations, press releases on the web site, and in the newspaper should be utilized.

NEW BUSINESS

Consideration of Resolution authorizing a City-School Master Agreement regarding maintenance of athletic fields and other City/School Programs. (Belmont/Redwood Shores Elementary School District)

Parks and Recreation Director Mittelstadt reviewed the key components of the Master Agreement:

Athletic Field Maintenance programs – no change.

The Ralston after School Sports Program – fee collection and an annual subsidy of \$8,500. Summer School/Enrichment Program - no change.

Ralston Gym - a minimum of 500 hours of City access, with an annual payment of \$10,000 to the District to offset gym operating expenses.

Athletic field's schedule - City staff will continue to schedule the athletic fields twice a year.

Action: on motion by C.Wright, seconded by C. Cook, and approved unanimously, by show of hands, to adopt:

Resolution. No. 9272 authorizing a City-School Master Agreement (regarding maintenance of athletic fields and other City/School Programs; Belmont/Redwood Shores Elementary School District)

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Discussion and Direction regarding Joint Powers Board Land Use. (C. Warden)

Mayor Warden explained that he would like staff to write a letter to the Peninsula Joint Powers Board and ask them if they had plans for the Caltrain parking lot south of the train station. He explained that this lot was under utilized and he thought Belmont would be better served if housing and/or retail shops were considered for this location.

Council concurred with this idea and staff was directed to write to Mr. Scanlan with the Joint Powers Board to open a dialogue regarding this land.

ADJOURNMENT - at this time, being 9:40 P.M. this meeting was adjourned.

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David Bauer

Clerk Pro Tem

Meeting Tape Recorded and video taped.

Tape No. 530